REMARKS

Claims 1-12 are pending in the application.

Applicants appreciate the Examiner's acknowledgement of the priority claim for this application, and respectfully request that the Examiner also acknowledge receipt of all certified copies of priority documents for the application.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,738,978 to Hendricks et al. in view of U.S. Patent No. 5,883,677 to Hofmann; claims 2, 3, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,757,909 to Maruo et al. in view of U.S. Patent No. 6,424,947 to Tsuria et al., further in view of Hendricks et al., and further in view of U.S. Patent No. 5,619,247 to Russo; claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruo et al. in view of Tsuria et al., further in view of Hendricks et al., further in view of Hofmann, and further in view of U.S. Patent No. 5,619,247 to Russo; claims 6, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruo et al. in view of Hendricks et al., and further in view of Hofmann; and claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruo et al. in view of Hendricks et al., and further in view of Russo. Applicants respectfully traverse the rejections.

In response to the Examiner's contention that Applicants improperly argued against the cited references individually, Applicants respectfully submit that their arguments were not mere individual attacks against each cited reference on features that the Examiner relied upon another reference as alleged disclosure. Applicants remarks directly corresponded with the manner in which the Examiner cited and relied upon the references. Applicants merely pointed out that the cited references do not disclose or suggest the features that the Examiner contended that they did,

and, as a result, the combination of these references, even if obvious, would have failed to disclose or suggest the features of the claimed invention. Indeed, when the individual references fail to disclose or suggest the respective features for which they are relied upon, a combination of them would still fail to disclose or suggest these features.

The Examiner relied upon the description of communications media 216 in Hendricks et al. for transmitting a number of different kinds of signals from a cable headend 208 to a set top terminal 220 as alleged disclosure of the claimed feature of embedding digital information to distributed contents. Page 3, lines 1-10 of the Office Action. Applicants respectfully submit that Hendricks et al. merely describe the communications media 216—plural—being a mechanism suitable for transmitting the various signals. Indeed, Hendricks et al. describe two separate functions performed by the headend 208, one as a signal processor 209 for processing contents signals, and one as a network controller 214 that separately controls and polls set top terminals for control information. Please see, e.g., col. 11, lines 22-45 and 50-65 of Hendricks et al. Correspondingly, Hendricks et al. describe the set top terminal 220 receiving "the individually compressed program and control signals." Col. 13, lines 1-3 of Hendricks et al. Thus, Hendricks et al., as cited and relied upon by the Examiner, merely describe communications media for transmitting a number of different signals, and do not disclose or suggest embedding content control information to a content signal.

Again, the Examiner relied upon Hendricks et al. as alleged disclosure of this feature, and relied upon Hofmann specifically as a combining reference that allegedly discloses the claimed feature of "holding, by predetermined identification information holding means, identification information for identifying said distributed contents and said distribution mechanism." Thus, the Examiner did not rely upon Hofmann to disclose or suggest the claimed feature of embedding

content control information to a content signal. Indeed, Hofmann only describes a database technique for organizing multiple video service providers in a household, and, therefore, also does not disclose or suggest this feature.

Thus, again, even assuming, arguendo, that it would have been obvious to combine Hendricks et al. and Hofmann, such a combination would still have failed to teach or suggest,

> "[a]method for managing fees of contents in which the fees arise based on a predetermined charging rule upon distributing the contents, said method comprising the steps of:
> equipping information gathering means on a network with which a user terminal is allowed to connect, said user terminal carrying out information processing by utilizing said contents;
> embedding to said contents, digital information causing said user terminal to transmit a contents distributing history to said information gathering means at a predetermined timing while said user terminal is connected with said network;
> distributing said contents with said digital information being embedded through a predetermined distribution mechanism;
> holding, by predetermined identification information holding means, identification information for identifying said distributed contents and said distribution mechanism;
> counting a distribution condition of contents per distribution mechanism based on said contents distributing history gathered through said information gathering means and said identification information held by said identification information holding means; and
> determining a charging amount per distribution mechanism based on said counted distribution condition and a charging rule for said contents," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over Hendricks et al. and Hofmann, separately and in combination, for at least the foregoing reasons. Claims 2, 4, 6-7, 9, and 11 incorporate features that correspond to those of claim 1 cited above, and the Examiner relied upon additional references to specifically address other features recited in these claims. As such, the addition of these references would still have failed to cure the above-described deficiencies of Hendricks et al. and Hofmann in disclosing or suggesting the claimed

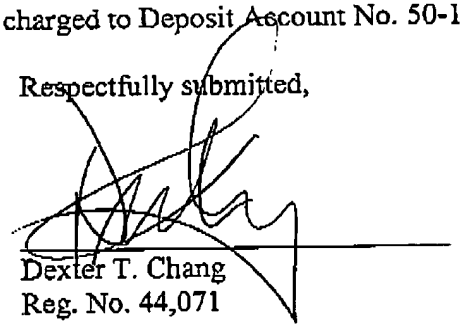
content control embedding feature, even assuming such additions would have been obvious to one skilled in the art. Accordingly, Applicants respectfully submit that claims 2, 4, 6-7, 9, and 11, together with claims 3, 5, 8, 10, and 12 dependent therefrom, respectively, are patentable over the cited references for at least the above-stated reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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DTC:bf

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